



#6  
mD5  
12-23-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Masataka Shinoda ATTY. DOCKET NO. 09792909-5049  
SERIAL NO. 09/896,094 GROUP ART UNIT: 2653  
FILING DATE: June 28, 2001 EXAMINER: A. Psitos  
INVENTION: "RECORDING MEDIUM, RECORDING AND REPRODUCING METHOD AND RECORDING AND REPRODUCING APPARATUS"

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

RECEIVED

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

DEC 18 2003

Technology Center 2600

SIR:

This amendment is being filed in response to the Office communication dated November 24, 2003. Please reconsider the application in view of the amendment and remarks presented below.

ELECTION OF CLAIMS

In the Office Action of November 14, 2003, the examiner requested an election of claims pursuant to a restriction requirement under 35 U.S.C. §121 between Group I claims 1-43 drawn to an optical record having particulars of the composition thereof, Group II claims 44-69 drawn to optical recording and reproducing methods and Group III claims 70-93 drawn to optical recording and reproducing apparatus.. ✓

In response, applicant hereby elects examination of Group I claims 1-43. ✓

Respectfully submitted,

  
\_\_\_\_\_, Reg. 32,919  
David R. Metzger  
SONNENSCHEIN NATH & ROSENTHAL  
P.O. Box 061080  
Wacker Drive Station - Sears Tower  
Chicago, Illinois 60606-1080  
Customer ID No. 26263  
Attorneys for Applicants

2653



MENNENSCHEIN, NATH &amp; ROSENTHAL

P.O. Box 061080

Wacker Drive Station - Sears Tower  
Chicago, IL 60606-1080  
312/876-8000

IN RE APPLICATION OF: Masataka Shinoda

ATTORNEY DOCKET NO. 09792909-5049

SERIAL NO.: 09/896,094

GROUP ART UNIT: 2653

FILED: June 28, 2001

EXAMINER: A. Psitos

FOR: "RECORDING MEDIUM, RECORDING AND REPRODUCING METHOD AND RECORDING AND REPRODUCING APPARATUS"

RESPONSE TO RESTRICTION REQUIREMENT

RECEIVED

DEC 18 2003

Technology Center 2600

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SIR:

Transmitted herewith is an amendment in the above-identified application.

 No additional claim fee is required.

The fee has been calculated as shown below.

CLAIMS AS AMENDED						
	(2) CLAIMS REMAINING AFTER AMENDMENT		(4) HIGHEST NO. PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEE
TOTAL CLAIMS		MINUS	-20		( ) X 9.00 ( ) X 18.00	
INDEP. CLAIMS		MINUS	3		( ) X 42.00 ( ) X 84.00	
Application amended to contain any multiple dependent claims not previously paid for.				( ) YES ( ) NO	( ) \$140.00 ( ) \$280.00 ONE TIME	
			TOTAL ADDITIONAL FEE FOR THIS AMENDMENT			

\* If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20 write "20" in this space.

Applicant petitions the Commissioner of Patents and Trademarks to extend this time for response to the Office Action dated \_\_\_\_\_ for \_\_\_\_\_ month(s) so that the period for response is extended to \_\_\_\_\_. The Commissioner is authorized to charge the fee of \$\_\_\_\_ for the extension to American Express Account No. 378571697401002. PTO Form 2038 is attached for that purpose.

The Commissioner is authorized and requested to charge the amount of \$\_\_\_\_ to cover the additional claim fee to American Express Account No. 378571697401002. PTO Form 2038 is attached for that purpose.

A check for \$\_\_\_\_ accompanying attached Terminal Disclaimer under 37 C.F.R. §1.321.

A check for \$\_\_\_\_ for Amendment Under 37 C.F.R. 1.312(b) is attached.

The Commissioner is hereby authorized to charge the extension fee and any additional fees which may be required, or to credit any overpayment to account No. 19-3140. A duplicate of this sheet is enclosed.

When phoning re this application, please call 312/876-8000 - Ext. 12578.

MENNENSCHEIN NATH &amp; ROSENTHAL LLP

BY David E. Metzger (Reg. No. 32,919)

David E. Metzger

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 10, 2003.

SIGNATURE

December 10, 2003

Art Unit: 2653

**DETAILED ACTION**

1. Applicant's response of 12/15/03 has been considered with the following results.
2. Claims 44-93 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 6, dated 12/15/03.

Best Available Copy